

# **GUIDE**

This procedure explanation is not meant to be used as a guide for submitting an application, but merely as an explanation of the general procedure to be followed in obtaining zoning rulings.

The Bureau County Zoning Ordinance lists ten (10) separate classifications for zoning, namely: A - Agriculture; RR - Resort Recreational; RE - Rural Estate; R-1 - Single Family Residential; R-2 - Single Family Residential; R-3 - General Residential District; B-1 - Business District; B-3 - Highway Business District; M-1 - Limited Manufacturing District; and M-2 - General Manufacturing District. All developments in the County fall into one of these categories. A permit, obtained from the County Zoning Office, is required for all building or construction under every classification except Agriculture, which is exempted by State Statute. Under Agriculture, only mobile homes, single family dwellings, garages and other non-agriculture related construction requires a building permit, obtained from the County Zoning Office. All building in the Agriculture classification must meet the required setback distances of fifty (50) feet from road rights-of-way, and a minimum of thirty (30) feet from property lines, depending upon building height.

Under each zoning classification are listed the Permitted Uses, Conditional Uses, setback requirements, distances from lot lines, size, maximum ground coverage of building area, and all other pertinent information. Permitted Uses refer to structures that can be built by just obtaining a building permit from the County Zoning Office. The category, Conditional Uses, refers to the uses permitted under that particular zoning classification by means of a Conditional Use application to the County Zoning Office. Conditional Uses are synonymous with Special Uses.

Conditional Use approval is obtained by first completing an application for this use, which details the use and includes a workable drawing of the project, detailing the exact legal description, including all adjoining property owners within a quarter (¼) mile area in areas zoned Agricultural, three hundred (300) feet in areas zoned Business and Manufacturing, and two hundred (200) feet in areas zoned Residential. In areas located within one and one-half (1½) miles of a municipality's corporate limits, the municipality must be notified. An advertised public hearing is scheduled, and notices to all the listed adjoining property owners must be mailed and the hearing notice must be published at least fifteen (15) days prior to the scheduled public hearing before the Zoning Board of Appeals.

The application is first scheduled for hearing before the Planning Commission, which decides on the suitability of the application and forwards a recommendation to the Zoning Board of Appeals and to the County Board. The Zoning Board of Appeals conducts a public hearing with witnesses appearing under oath, and forwards a decision or recommendation to the Bureau County Board for action and final approval or disapproval. Upon approval by Bureau County Board action, a building permit can then be issued. At the Zoning Board of Appeals hearings it is necessary that the applicants, or their representative be present to answer the Board's inquiries. Complaints and objections are heard only at the Zoning Board of Appeals public hearing.

Approximately four (4) to six (6) weeks time is necessary, depending upon when the application is received in relation to the scheduled committee meetings, before the process of obtaining a Conditional Use permit can be completed.

In cases where the desired building will not conform to the minimum setbacks or other regulations listed for particular zoning classification, relief may be sought by completing an application for a Non-Conforming Use Variation (Use Variation) or for a Variation in bulk requirements (Bulk Variance). The procedure for processing this application is the same as applying for a Conditional Use, with the following exceptions: (1) The decision to grant, or not grant, is rendered only by the Zoning Board of Appeals and (2) the Zoning Board of Appeals has the authority to permit the immediate issuing of a building permit.

For Rezoning property from one (1) category to another, the procedure is the same as for obtaining a Conditional Use permit. Procedures may be combined on one (1) application. For instance, an application to Rezone a parcel of land may also be combined with a Conditional Use application, allowing both applications to be processed by the Committees at the same time.

Planned Developments, in Rural Recreation areas and subdivisions, require a closer supervision with continuing control by the Planning Commission and the County Plat Officer.

In general, the above procedures will be followed in most cases, but for extenuating circumstances or in areas of doubt, request interpretation or guidance from the County Zoning Enforcing Officer.

Any person aggrieved, or any County Officer, Department, Board, or Bureau may appeal to the Zoning Board of Appeals to review any order, requirements, permit, decision, or determination made by the Zoning Enforcing Officer. The appeal shall be filed with the Zoning Enforcing Officer, in the Zoning Enforcing Office, on forms provided, and a fee paid. The Zoning Enforcing Officer will transmit the appeal to the Chairman of the Zoning Board of Appeals.

This appeal must be made within thirty (30) days after the date of written notice of the decision or order of the Zoning Enforcing Officer and the Zoning Board or thirty (30) days after construction has begun, whichever is the greater time period. It is to the complainant's advantage to file his or her appeal at the earliest date possible.

The Zoning Enforcing Officer then transmits to the Zoning Board of Appeals all papers of record concerning the action being appealed. A public hearing is then scheduled.

Once an appeal is made from an aggrieved party, no further action may be taken by the defendant unless, in the opinion of the Zoning Enforcing Officer, there is an imminent peril to life or property. In such a case, action will not be stopped unless the aggrieved party shows why the action should be stopped (due cause), obtains a restraining order, which may be granted by the Zoning Board of Appeals, or by the Circuit Court, which would then notify the Zoning Enforcing Officer.

“Any Rezoning, Variance, or Conditional Use applications submitted after November 18, 1997, will be subject to the provisions of this revised Bureau County Zoning Ordinance. Those applications submitted prior to the effective date of this revised Ordinance will be subject to the provisions of the Bureau County Zoning Ordinance in effect at that time.”

